

RICK D. ROSKELLEY, ESQ., Bar # 3192
CORY G. WALKER, ESQ., Bar # 12121
LITTLER MENDELSON
3960 Howard Hughes Parkway
Suite 300
Las Vegas, NV 89169-5937
Telephone: 702.862.8800
Fax No.: 702.862.8811

Attorneys for Defendants
Walldesign, Inc., Imperial Building Group, Inc., Michael Bello and
Stephen Huntington

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Juan Pablo Orquiza, Maximino
Buenaventura, individually and on behalf
of other persons similarly situated,

Plaintiffs,

vs.

Walldesign, Inc., Michael Bello, Stephen
Huntington, HAND Construction
Company, Sterling S Development, Inc.,
DR Horton, Inc., Ryland Homes Nevada,
LLC, Imperial Building Group, Inc., Burke
Construction Group, Inc., and Does 1-10.,

Defendants.

Case No. 2:11-cv-01374-JCM-CWH

JUDGMENT

Having considered all motions, responses and supporting arguments made by the parties regarding Defendants Michael Bello and Stephen Huntington's Motion for Summary Judgment, it is hereby ordered as follows:

1. Plaintiffs cannot establish that either Defendant Michael Bello or Stephen Huntington meet the definition of an employer under the Fair Labor Standards Act (FLSA), as neither individual a) hired or fired any of the plaintiffs; b) supervised or controlled the work of the plaintiffs; c) set pay rates or method of pay for the plaintiffs; nor d) maintained or oversaw the employment records, applications, time records or payroll records of the plaintiffs.

2. Thus, having found that no issues of material fact exist to sustain the claims against

individual defendants Bello and Huntington, their Motion for Summary Judgment is GRANTED.

3. Pursuant to Fed R. Civ. Pro. 54(b), the Court, finding no just reason for delay, hereby certifies entry of this order as final judgment on behalf of defendants Bello and Huntington for all claims brought by the Plaintiffs. This order in no way affects the cross-claims asserted by any cross-Defendant against Michael Bello.

IT IS SO ORDERED

Dated July 3, 2013.


UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 3960 Howard Hughes Parkway, Suite 300, Las Vegas, Nevada, 89169. On July 1, 2013, I served the within document(s):



By CM/ECF Filing – Pursuant to FRCP 5(b)(3) and LR 5-4, the above-referenced document was electronically filed and served upon the parties listed below through the Court's Case Management and Electronic Case Filing (CM/ECF) system:

Rachel Wilson, Esq.
1701 Whitney Mesa Dr., Suite 105
Henderson, NV 89014
Rachel@rachelwilsonlaw.com
Attorney for Plaintiffs

Michael V. Van, Esq.
Robert A. Ryan, Esq.
8985 S. Eastern Ave., Suite 100
Las Vegas, Nevada 89123
Michael@shumwayvan.com
*Attorneys for Defendant
Sterling S Development, Inc.*

Michael E. Stoberski, Esq.
Christopher J. Richardson, Esq.
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
mstoberski@ocgas.com
crichardson@ocgas.com

*Attorneys for Defendant
Hand Construction Company*

Suzanne L. Martin, Esq.
Christopher M. Pastore, Esq.
Wells Fargo Tower
3800 Howard Hughes Pkwy
Suite 1500
Las Vegas, NV 89169

Suzanne.martin@ogletreedeakins.com
Christopher.pastore@odnss.com

*Attorneys for Defendants
D.R. Horton, Inc. and Ryland Homes Nevada,
LLC*

Richard L. Peel, Esq.
Michael T. Gebhart, Esq.
3333 E. Serene Avenue, Suite 200
Henderson, NV 89074
rpeel@peelbrimley.com
mgebhart@peelbrimley.com

*Attorney for Defendant
Burke Construction Group, Inc.*

I am readily familiar with the firm's practice of collection and processing correspondence for mailing and for shipping via overnight delivery service. Under that practice it would be deposited with the U.S. Postal Service or if an overnight delivery service shipment, deposited in an overnight delivery service pick-up box or office on the same day with postage or fees thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 1, 2013, at Las Vegas, Nevada.

/s/ Erin J. Melwak
Erin Melwak

Firmwide:121263310.1 071012.1002